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FEDERAL COMMUNICATIONS COMMISSION  
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*2M-9768*

**VIA HAND DELIVERY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

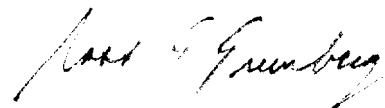
Re: **Amendment to Petition for Rule Making**

Dear Ms. Salas:

On behalf of Davis Television Clarksburg, LLC, I am transmitting herewith an original and four copies of an amendment to a Petition for Rule Making, filed with the Commission on June 30, 1999, amended on October 15, 1999, and further amended on December 6, 1999, seeking to amend the DTV Table of Allotments to specify Channel 10 in lieu of Channel 28 for transitional DTV use by WVFX(TV), Clarksburg, West Virginia.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Ross G. Greenberg

Enclosures

cc (w/encl.) (via hand delivery):

Ms. Nazifa Naim, Mass Media Bureau

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**BEFORE THE**  
**Federal Communications Commission**  
**WASHINGTON, D.C. 20554**

In the Matter of

Amendment of Section 73.622(b)  
Table of Allotments, DTV Broadcast Stations  
(Clarksburg, West Virginia)

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To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**AMENDMENT TO PETITION FOR RULE MAKING**

Davis Television Clarksburg, LLC ("Davis Clarksburg"), licensee of Station WVFX(TV), Clarksburg, West Virginia, by its attorneys, hereby amends its Petition for Rule Making (the "Petition"), filed with the Commission on June 30, 1999, amended on October 15, 1999, and further amended on December 6, 1999, requesting that the Commission institute a rule making proceeding to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 10 as the DTV allocation for transitional DTV use by Station WVFX(TV) in lieu of Channel 28, as originally allotted. As set forth in the accompanying amended supplemental engineering statement prepared by Bernard R. Segal, P.E. (the "Engineering Statement"), the amended Petition, which proposed the use of a directional antenna with maximum average effective radiated power of 50 kW, is hereby amended to reduce the proposed maximum ERP to 30 kW.

The Engineering Statement establishes that the operation proposed on Channel 10 in the amended Petition would result in service to 191,796 more persons in an area that is 5,460 square kilometers larger than would be provided by operation with the maximized facilities on Channel 28 for which Davis Clarksburg has applied. *See* Engineering Statement, p. 2-3.

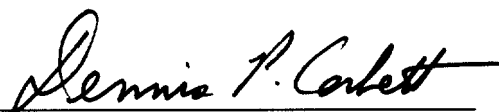
Furthermore, the Engineering Statement establishes that at a maximum average effective radiated power of 30 kW, the proposed operation on Channel 10 continues to satisfy the FCC's principal community coverage and de minimis interference requirements. *See* Engineering Statement, p. 1.

Davis Clarksburg reiterates its intention to timely file an application specifying the operation of Station WVFX-DT on Channel 10 upon the Commission's grant of the amended Petition and will adhere to all applicable Commission standards for the construction and initiation of operation of its DTV facility.

THEREFORE, for the reasons set forth above, a rule making proceeding should be instituted proposing the amendment of Section 73.622(b) of the Commission's Rules to substitute Channel 10 for Channel 28 in the DTV Table of Allotments for use by Station WVFX(TV).

Respectfully submitted,

**DAVIS TELEVISION CLARKSBURG, LLC**

By:   
Dennis P. Corbett  
Ross G. Greenberg

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202-429-8970

March 22, 2000

Its Attorneys

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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**AMENDED SUPPLEMENTAL  
ENGINEERING STATEMENT  
PREPARED ON BEHALF OF  
DAVIS TELEVISION CLARKSBURG, LLC  
CLARKSBURG, WEST VIRGINIA**

Davis Television Clarksburg, LLC has a petition pending to modify the DTV Table of Allotments to substitute Ch. 10 for Ch. 28 at Clarksburg, West Virginia, for use for station WVFX-DT. The instant Amended Supplemental Engineering Statement reduces the maximum average effective radiated power proposed from 50 kW to 30 kW with no other technical change. Since the material already submitted for a maximum average effective radiated power of 50 kW demonstrates compliance with the FCC's de minimis interference criteria, no additional studies are required for the power reduction to 30 kW. It is axiomatic that the power reduction will result in reduced, rather than increased, interference to all potentially impacted stations and allotments. The proposal continues to satisfy the FCC's principal community coverage and de minimis interference requirements.

Previously, it was demonstrated that WVFX-DT on Ch. 10 with maximum average effective radiated power of 50 kW would better serve the public interest than if the station operated on currently allotted Ch. 28 in the manner set forth in the pending application for maximized average effective

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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Clarksburg, West Virginia

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radiated power of 1000 kW (MAX-DA) and antenna height above average terrain of 241 meters.

The public interest still would better be served by WVFX-DT operation on Ch. 10 as now proposed with reduced maximum average effective radiated power of 30 kW than would be the case if WVFX-DT operated on the allotted Ch. 28 with maximum average effective radiated power of 1000 kW and antenna height above average terrain of 241 meters as specified in the currently pending application.

Figure 1 compares the noise-free coverage for WVFX-DT for the pending Ch. 28 1000 kW(MAX-DA), 241 meter operation with the proposed Ch. 10, 30 kW (MAX-DA), 260 meter operation that is specified in this amendment. Except for a small sliver in Fayette County, Pennsylvania, the noise-free Ch. 10, 36 dBu, F(50,90) contour completely encompasses the Ch. 28, 41 dBu, F(50,90) contour. The Ch. 28, 41 dBu, F(50,90) contour contains a population of 579,351 persons in an area of 21,040 square kilometers. The Ch. 10, 36 dBu, F(50,90) contour contains a population of 771,147 persons in an area of 26,500 square kilometers. The Ch. 10 facility would afford service to

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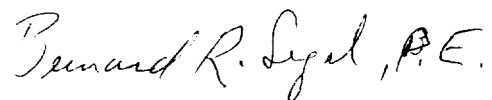
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Clarksburg, West Virginia

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191,796 more persons in an area that is 5,460 square kilometers larger than would be provided by the pending maximized Ch. 28 proposal. The public interest would continue to be better served with WVFX-DT operating on Ch. 10, as proposed, rather than on Ch. 28.

The contours for WVFX-DT as depicted in Figure 1 were calculated in the same manner as previously described in earlier submissions as part of the instant petition. Similarly, the population and area determinations were made in the same manner as previously described.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 16, 2000.



Bernard R. Segal, P.E.

Figure 1

